

REMARKS

In the Final Office Action mailed December 29, 2004, the Examiner rejected claims 1, 3-18, 20 and 21. Applicants contend that these rejections lack merit for at least two reasons in addition to those already asserted by Applicants. First, the Office Action still does not establish a prima facie case of obviousness. Second, at least one of the references cited by the Office Action does not qualify as a proper reference against the present application.

Claim Rejections under 35 USC 103

The Office Action rejected claims 1, 3-18, 20 and 21 as being unpatentable over Hill et al. (US patent 6,493,920) in view of various combinations of Miyazaki et al. (US patent 4,883,310), Hsieh (US patent 5,115,086), Bhat et al. (US patent 6,133,398), Wandiez (US Patent 6,409,947), Johnston (US Patent 4,712,287), Meritor Automotive (February 2000), Allen et al. (US Patent 6,423,755), Bergholz et al. (US Patent 6,151,539) and Lumpe et al. (US Patent 6,592,176). Applicants traverse these rejections. Applicants have traversed several of these rejections before and therefore incorporate all previous arguments herein by reference.

I. The Office Action does not Establish a Prima Facie Case of Obviousness against the Claims of the Present Application

Applicants have repeatedly argued that the main reference, Hill et al., used for rejecting each of the claims of the present application fails to show an adhesive securing of a "bottom end" of a transparent panel (e.g., a windshield) to a body portion of a vehicle in conjunction with the assembling of a roof module as described in at least claims 11 and 17 to the body portion of the vehicle. The most recent Office Action responded to Applicants' arguments as follows:

Hill et al. has been cited with pertinent portions provided to Applicant in the various Office Actions. As outlined again in the above rejections, Hill et al. teaches the roof assembly 14 (including windshield 62) is suitably secured to the metallic base frame 16 of the cab 12 by any suitable

fastening means (col. 2, lines 63-65). “Examples of suitable fastening means include but are not limited to welding … adhesive bonding, and magnetic compression joining” (Hill et al. col. 3, lines 1-3). As seen in figure 2, it is clear that the bottom portion of windshield 62 will be secured to frame 16 as in conventional in the art. The examiner does not understand why Applicant continues to argue this point.

As suggested by Applicants previously, the fastening methods at col. 2, line 63 through col. 3, line 3 are explicitly disclosed for securing the “sleeve members 56” to “connector members 40” in Hill et al. There is no suggestion to adhere the bottom end of a transparent panel. As additional evidence of this fact, the securing methods discussed therein, other than adhesion, are almost exclusively suitable for securing metals together as opposed to that which is claimed in the present application.

Applicants acknowledge that the USPTO is to apply a broadest reasonable interpretation to the claims of a patent application. However, it would be unreasonable under caselaw such as In re Baker Hughes Inc., 55 USPQ2d 1149, (CAFC, 2000) (holding that an interpretation of hydrocarbons to include both liquid and gaseous hydrocarbons is unreasonable where the application makes clear that only liquid hydrocarbons are to be included) to interpret adhesive bonding of a bottom end of a transparent panel to be so broad as to be disclosed by Hill et al., which discloses securing of “sleeve members 56” to “connector members 40”.

A prior Office Action issued for this application also suggested that, “it would have been obvious...to have connected the roof portion of Hill et al./Miyazaki et al./Hsieh/Bhat et al, to a pair of B-pillars and a pair of C-pillars, in light of the teachings of Lumpe et al., in order to provide stiffening of the body of the vehicle.” Applicants argued that the “stiffening” motivation to combine Lumpe et al. was not to be found in the references of record. In response, the most recent Office Action reads that:

the Examiner would like to direct Applicant to col. 1, lines 41-67 of Lumpe et al. Other advantages are also provided. Furthermore the examiner would like to point out that vehicles with B-pillars and C-pillars are well known in the art and that it is within the general knowledge of those of ordinary skill in the art to provide appropriate roof panels to vehicle models having B and C-pillars.

Applicants respond to the assertions of the most recent Office Action individually.

First, a reading of col. 1, lines 41-67 of Lumpe et al. suggests that Lumpe et al. is not at all directed toward the attachment of a roof module to B and C pillars that are attached to a body of an automotive vehicle. Lumpe et al. discusses the connection of “lengthened end sections” to “front body pillars, such as A-pillars, and rear body pillars, such as D-pillars.” Lumpe et al. is more aptly seen as a reference that teaches away from attaching a roof module to B and C pillars by teaching the advantage of connection to A and D pillars. This is particularly the case when, as in at least some of the claims of the present application, the roof module includes the A-pillars and a windshield. In such an embodiment as claimed in the present application, connection to the A-pillars as suggested by Lumpe et al., would be quite impossible.

With regard to the Office Action statement that “other advantages are provided”, Applicants suggest that such advantages must be made explicit.

With regard to the Office Action statement that “the examiner would like to point out that vehicles with B-pillars and C-pillars are well known in the art and that it is within the general knowledge of those of ordinary skill in the art to provide appropriate roof panels to vehicle models having B and C-pillars.” Applicants suggest that conclusory statements such as this one cannot form a *prima facie* case of obviousness.

In light of the above, Applicants request that the rejections of the claims of the present application that are based upon Hill et al. or that combine Lumpe et al. with other references be withdrawn.

II. **At least one of the references cited by the Office Action does not qualify as a proper reference against the present application.**

At least claim 11 of the present application has been rejected based upon combining references with Allen et al. (US Patent 6,423,755). Applicants assert that Allen et al. is only available as a 103 reference based upon 102(e). Applicants further assert that Essex Specialty Products was wholly owned by Dow Chemical at the time of the present invention. Thus, Allen et al. and the present invention are both wholly owned by Dow Chemical. As such Allen et al. should not qualify as a 103 reference against the claims of the present invention under the AIPA. Applicants request withdrawal of any 103 rejections based upon Allen et al.

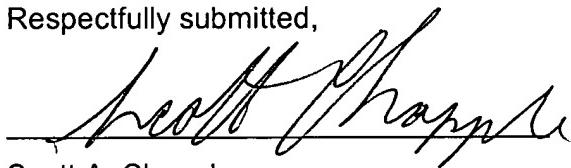
CONCLUSIONS

In view of Applicants' amendments and remarks, the Examiner's rejections are believed to be rendered moot. Accordingly, Applicants submit that the present application is in condition for allowance and requests that the Examiner pass the case to issue at the earliest convenience. Should the Examiner have any question or wish to further discuss this application, Applicant requests that the Examiner contact the undersigned at (248) 292-2920.

If for some reason Applicant has not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge our Deposit Account No. 50-1097 for any fee which may be due.

Respectfully submitted,

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